

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, CHANGANASSERY**Present : Smt. Saima P.S., Special Judge.****THURSDAY THE 26th DAY OF MARCH 2026****5th day of Chaithram ,1948****SESSIONS CASE No.901/2024****Crime No.831/2024 of Chingavanam Police Station**

COMPLAINANT : State of Kerala,
represented by the Inspector of Police,
Chingavanam

By Special Public Prosecutor : Sri. P.S.Manoj

ACCUSED : Vishnu M, aged 23/2024
S/o Monichan,
Erathu House
Vakathanam P O,
Vakathanam Village.

By Advocates : Sri. Gokul.K.S,and Kassiya.E.Anil

CHARGE : U/ss. 354-A(2) r/w 354-A(1)(i) of IPC/ sec.
75(2) r/w 75(1)(i) of BNS, 450 IPC, 376(3) IPC,
376(2)(n) of IPC/sec. 64(2)(n) of BNS, 363
IPC/sec. 137(2) r/w 137(1)(b) of BNS, u/ss.
8 r/w 7, 4(1) r/w 3(a), 4(2) r/w 3(a), 6(1) r/w 5(l) of
POCSO Act .

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss. 354-A(2) r/w 354-A(1)(i) of IPC/
sec. 75(2) r/w 75(1)(i) of BNS, 450 IPC, 376(3) IPC,
376(2)(n) of IPC/sec. 64(2)(n) of BNS, 363 IPC/sec.
137(2) r/w 137(1)(b) of BNS, u/ss. 8 r/w 7, 4(1) r/w
3(a), 4(2) r/w 3(a), 6(1) r/w 5(l) of POCSO Act .
Accordingly accused is acquitted of the said offences
u/s. 255 of BNSS. The bail bond executed by him
stands cancelled and he is set at liberty.

DATE OF TRIAL : 16-03-2026

HEARING : 26-03-2026

JUDGMENT : 26-03-2026

TABULAR FORM

Serial No. : S.C. No. 901/2024
 Name of Police station : Chingavanam Police Station.
 of and Cr. no. of offence : Crime No.831/2024

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
	Vishnu M,	Monichan,			Erathu House Vakathanam P O, Vakathanam Village.	23/2024 n

Date of

Occurrence : From 01-01-2023 To 13-07-2024
 Complaint : 01-01-2023
 Apprehension : 15-07-2024
 Release on bail : 04-12-2024
 Commitment : Nil
 Commencement of trial : 16-03-2026
 Close of Trial : 16-03-2026
 Sentence or order : 26-03-2026
 Service of copy of judgment or finding on accused : N.A.
 Explanation for delay : No delay.

This Sessions Case coming on for final hearing on 26-03-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 26-03-2026 and the court on the same day delivered the following:

J U D G M E N T

This case is instituted upon the final report submitted by the Inspector of Police, Chingavanam Police Station in crime no. 831/2024 alleging offences

punishable u/ss. 96, 75, 64, 65(1), 71 of BNS, u/ss. 4(1), 4(2), 5(1) r/w 6, 7 & 8 of POCSO Act.

2. The prosecution case is as follows:-

CW1 the victim girl was aged 16 years in 2024. Since the victim was studying in 5th standard, accused pretended to be in love with her and on a day in the year 2023, on the midway that situates near to the house bearing building no. 443 in Kurichy Village, Kurichy Panchayath owned by one Lissy, accused hugged and kissed the victim. Thereafter on a day in the month of December 2023, in the bathroom of the house bearing building no. XIV/323 that situates at Kumaramkulam Bhagom, Kurichy Village wherein CW1 the victim was residing, accused committed penetrative sexual assault on her. Later, on a day in the month of February 2024 accused kidnapped her from her lawful guardianship and took her to aforementioned house of Lissy at about 8.30 pm committed penetrative sexual assault on her on the veranda of the said house. Thereafter on 13.07.2024 at 10.45 am accused committed penetrative sexual assault on the victim in his house bearing no. H No. 363 that situates at Kurichy Village. Thereby the accused is alleged to have committed the aforesaid offences.

3. On the basis of the FIS (First Information Statement) given by CW1 the victim before CW23 the ASI, Chingavanam Police Station, CW26 the Sub Inspector of Police, Chingavanam Police Station registered FIR as crime no. 831/2024 of Chingavanam Police Station u/ss 354-A, 366-A, 376, 376(2)(n) of IPC, u/ss. 3(a), 4(1), 4(2), 5(1), 6, 7, 8 of POCSO Act. Thereafter CW26 conducted preliminary investigation, arrested the accused on 15-07-2024, produced him before the jurisdictional Magistrate on 16-07-2024 and was remanded to judicial custody. On completion of investigation, on 05.10.2024 CW27 the Inspector of Police, Chingavanam submitted final report before the Addl. District & Sessions Court-I (POCSO), Kottayam. After taking

cognizance of the aforesaid offences, this case was taken on file and as per the Order of the Hon'ble Sessions Judge, Kottayam the case was transferred to this court for trial and disposal in accordance with law. The accused was released on bail on 04-12-2024.

4. In pursuance of summons, accused appeared before this court. The copies of relevant prosecution records were furnished to him. After hearing both sides, as there was no ground to discharge him u/s. 250(2) of BNSS, charge was framed against the accused u/ss. 354-A(2) r/w 354-A(1)(i) of IPC/sec. 75(2) r/w 75(1)(i) of BNS, 450 IPC/sec. 332(b) of BNS, 376(3) of IPC/sec. 65(1) of BNS, 376(2)(n) of IPC/sec. 64(2)(n) of BNS, 363 IPC/sec. 137(2) r/w 137(1)(b) of BNS, u/ss. 8 r/w 7, 4(1) r/w 3(a), 4(2) r/w 3(a), 6(1) r/w 5(l) of POCSO Act. It was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 & PW2 were examined and Exts. P1, P1(a) & P2 were marked. The remaining witnesses were given up by the learned Special Public Prosecutor. Since there is no incriminating evidence against the accused, questioning him u/s. 351(1) (b) of BNSS was dispensed with.

6. Heard both sides u/s. 255 of BNSS.

7. The points that arises for consideration are:-

1. Whether the prosecution has succeeded in proving that the accused has committed the offences punishable u/ss. 354-A(2) r/w 354-A(1)(i) of IPC/sec. 75(2) r/w 75(1)(i) of BNS, 450 IPC/sec. 332(b) of BNS, 376(3) of IPC/sec. 65(1) of BNS, 376(2)(n) of IPC/sec. 64(2)(n) of

BNS, 363 IPC/sec. 137(2) r/w 137(1)(b) of BNS,
u/ss. 8 r/w 7, 4(1) r/w 3(a), 4(2) r/w 3(a), 6(1)
r/w 5(l) of POCSO Act?

2. Sentence or order.

8. Point No. 1 :-

Though PW1 admitted her signature in Ext. P1 FIS stated that she doesn't know the reason for which she has given Ext. P1. She denied Ext. P1(a) the relevant portion of Ext. P1 According to her, she is not remembering whether she has given statement to the Magistrate. She specifically stated that she has not shown the place of occurrence to the Investigating Officer, was not subjected to medical examination and has not given any statement to the Doctor. She further stated that the accused who is known to her has not committed any sexual violence to her.

9. According to PW2, the mother of the victim she has not given any statement to the police. She denied Ext. P2 the relevant portion of her previous statement.

10. During the course of investigation blood samples of the accused and PW1 the victim were collected and forwarded to the FSL for DNA profiling and the report is pending. The learned counsel for the accused submitted that the said report has no relevance, considering the nature of the evidence tendered by PW1 the victim . The learned Prosecutor has fairly conceded that the report of DNA profiling being a piece of expert evidence can only be used for corroboration and not conclusive evidence.

11. According to me, even if a positive DNA report is received, it is not sufficient to rope in the accused for the offences charged against him. The DNA evidence is in the nature of opinion evidence as envisaged under section

39 of the Bharatiya Sakshya Adhiniyam, 2023, and like any other opinion evidence, its probative value varies from case to case. A positive DNA report can be of great significance, where there is supporting evidence.

12. Here, in this case, PW1 has no case that the accused committed penetrative sexual assault on her. There is no evidence regarding her alleged sexual intercourse with the accused. In this circumstances, even if a positive report of DNA profiling is received, it does not change the outcome of the case.

13. Thus PW1 & PW2 the material witnesses didn't support the prosecution case. They are not trustworthy witnesses. There is absolutely no evidence to connect the accused with the offences alleged against him. The point is found accordingly.

14. Point No. 2:-

In view of the finding on point no.1, accused is found not guilty of the offences punishable u/ss. 354-A(2) r/w 354-A(1)(i) of IPC/ sec. 75(2) r/w 75(1) (i) of BNS, 450 IPC, 376(3) IPC, 376(2)(n) of IPC/sec. 64(2)(n) of BNS, 363 IPC/sec. 137(2) r/w 137(1)(b) of BNS, u/ss. 8 r/w 7, 4(1) r/w 3(a), 4(2) r/w 3(a), 6(1) r/w 5(l) of POCSO Act. Accordingly accused is acquitted of the said offences u/s. 255 of BNSS. The bail bond executed by him stands cancelled and he is set at liberty.

Inform the FSL to keep the material objects for 3 months without conducting any test and if no communication is received from the court within that time, dispose the material objects thereafter without conducting the test, as the case is disposed of.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 26th day of March, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX

A. PROSECUTION WITNESSES :

PW1 16-03-2026 : Victim
PW2 16-03-2026 : Mother of Victim

B. DEFENCE WITNESS : NIL

C. COURT WITNESS : NIL

A. EXHIBITS FOR PROSECUTION :

P1/PW1 14-07-2024 : First Information Statement.
P1(a)/PW1 14-07-2024 : Relevant Portion of First Information Statement.
P2/PW2 15-07-2024 : Relevant Portion of 161 Statement of PW2

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.